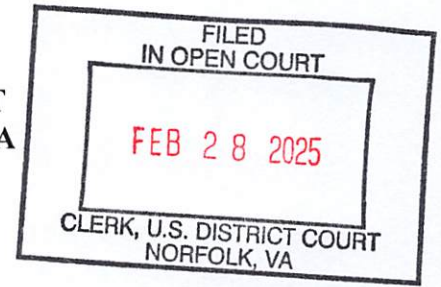


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk/Newport News Divisions**



UNITED STATES OF AMERICA,

v.

Criminal No. 4:24cr76 (EWH)

Kyle Andrew Babiak
Defendant.

SENTENCING PROCEDURES ORDER

1. The sentencing hearing shall be scheduled no earlier than ONE HUNDRED TWENTY (120) DAYS following a finding or verdict of guilt. The Court hereby schedules this case for sentencing on July 24, 2025 at 10:00 in Norfolk.

2. Counsel for Defendant shall attend any interview of Defendant conducted by the Probation Office in the course of the presentence investigation.

3. The presentence investigation report, including guideline computations, shall be completed and provided to the parties at least THIRTY-FIVE (35) DAYS before the sentencing hearing. This Order shall operate as notice to counsel that the presentence investigation report will be made available by the Probation Office THIRTY-FIVE (35) DAYS before the sentencing hearing. The presentence investigation report shall not be disclosed to persons other than Defendant, unless otherwise ordered by the Court.

4. At least TWENTY-ONE (21) DAYS prior to the sentencing hearing, the parties must state in writing to the Probation Office and opposing counsel any objections to the presentence investigation report, including objections to material information, sentencing guideline ranges, and policy statements contained in or omitted from the report.

5. Any party objecting to the presentence investigation report must seek resolution of all objections in conference with opposing counsel and the Probation Office as soon as possible, but no later than SEVENTEEN (17) days before the sentencing hearing. The presentence conference is mandatory, except when the contents of the presentence investigation report are not in dispute, and the complaining party shall be responsible for scheduling the conference with the Probation Office and opposing counsel.

6. Counsel for Defendant and the Government shall file sentencing pleadings (as defined in paragraph 7) no later than FOURTEEN (14) DAYS before the sentencing hearing. Responses and replies thereto shall be filed SEVEN (7) and FOUR (4) DAYS, respectively, before the sentencing hearing. Copies shall be provided to the Probation Office on the same schedule.

7. The sentencing pleadings shall include (1) a statement that there are no objections to the presentence investigation report, if applicable; (2) notice of any objections to the presentence investigation report and any supporting evidence, documents or affidavits; (3) any motion for a departure or variance with legal and factual support for the motion; (4) a brief summary of the anticipated testimony of any expert witness that either side intends to present; (5) a position on the appropriate sentence; and (6) the legal and factual basis for any forfeiture or restitution sought by the Government if contested by Defendant.

8. The Probation Office shall transmit to the sentencing judge the presentence investigation report, including guideline computations and an addendum indicating any unresolved objections, no later than FOURTEEN (14) days before the sentencing hearing.

9. The time periods set forth above may be modified by the Court for good cause shown. Time periods under this Order shall be CALENDAR days. In computing any period of time

under this Order, if any deadline falls on a Saturday, Sunday, or legal holiday, the deadline shall be the last business day before the Saturday, Sunday or legal holiday.

It is SO ORDERED.


Robert J. Krask
United States Magistrate Judge

Norfolk, Virginia

Date: Feb. 28, 2025

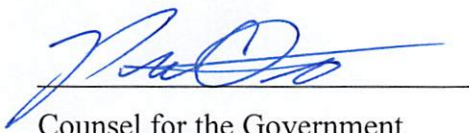
I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE SENTENCING GUIDELINE ORDER.



Counsel for the Defendant*

2/28/2025

Date



Counsel for the Government

2/28/2025

Date

* Counsel for the Defendant shall provide a copy of this Order to Defendant.